



**DAVID H. STEIN, ESQ.**

T: 732.855.6126  
F: 732.726.6570  
dstein@wilentz.com

90 Woodbridge Center Drive  
Suite 900 Box 10  
Woodbridge, NJ 07095-0958  
732.636.8000

July 25, 2023

**VIA ECF**

Honorable Vincent F. Papalia, U.S.B.J.  
United States Bankruptcy Court  
M.L. King Jr. Federal Building & Courthouse  
50 Walnut Street, 3<sup>rd</sup> Floor  
Newark, NJ 07102

Re: **Bed, Bath & Beyond, Inc.**  
**Chapter 11**  
**Case No.: 23-13359 (VFP)**

Dear Judge Papalia:

This law firm represents Enid Two, LLC (“Enid”), a landlord and creditor of the Debtor, Bed, Bath & Beyond, Inc. (the “Debtor”), in the above referenced Chapter 11 proceeding. Please accept this letter (the “Supplemental Objection”), in lieu of a more formal objection to Debtor’s Notice of Successful and Backup Bidder With Respect to the Phase 2 Auction of Certain of the Debtors’ Lease Assets and Assumption and Assignment of Certain Unexpired Leases (the “Notice”), with a hearing to consider approval of the sale, liquidation, or other disposition of the Debtor’s lease assets currently scheduled for **July 28, 2023 at 10:00 am.**

This Supplemental Objection is submitted in further support of and to supplement the Objection of Enid to Debtors’ Proposed Cure Amount, Adequate Assurance Objection; Joinder and Reservation of Rights previously filed in this matter on June 26, 2023 (the “Objection”, Docket No. 996); the Amended Objection of Enid to Debtors’ Proposed Cure Amount, Adequate Assurance Objection; Joinder and Reservation of Rights previously filed in this matter on June 27, 2023 (the “Amended Objection”, Docket No. 1096); and the Second Amended Objection of Enid to Debtors’ Proposed Cure Amount, Adequate Assurance Objection; Joinder and Reservation of Rights previously filed in this matter on July 14, 2023 (the “Second Amended Objection”, Docket No. 1364 and, together with the Objection and the Amended Objection, the “Previous Objections”).

Enid is listed at No. 14 in the Notice in connection with the premises located at 711 Route 28, Bridgewater, New Jersey, identified as Store # 3037 (the “Leased Premises”). The Notice identifies Dream on Me as the successful bidder for the Leased Premises.

Although we understand that Dream on Me has purchased intellectual property from the estate, Enid is not aware of Dream on Me as being a viable “brick and mortar” retailer with the means to operate the Leased Premises and to satisfy and maintain all lease obligations.

The facts and statement of law relevant to this Supplemental Objection are set forth in the Previous Objections and are incorporated by reference herein as if fully set forth at-length; said facts and statement of law equally apply to the contents of the current Notice.

Enid reiterates its previous objection to the Debtors’ proposed cure amount. As set forth in Enid’s Second Amended Objection, as well as in its recently submitted Amended Proof of Claim, the correct cure amount, through June 26, 2023, is \$202,552.94.

### **CONCLUSION**

For the reasons set forth on the Previous Objections and in this Supplemental Objection, it is respectfully requested that approval of the assignment and assumption of the lease for the Leased Premises be denied.

Respectfully submitted,

*/s/ David H. Stein*

DAVID H. STEIN

DHS/

cc: All Parties on the attached service list  
(via e-mail and/or ECF)

**Service List**

Kirkland & Ellis LLP  
601 Lexington Avenue  
New York, NY 10022  
Attn: Joshua A. Sussberg, P.C.  
Emily E. Geier, P.C.  
Derek I. Hunter, P.C.  
Ross J. Fiedler  
*Co-counsel to Debtors*

Cole Schotz, P.C.  
Court Plaza North  
25 Main Street  
Hackensack, NJ 07601  
Attn: Michael D. Sirota, Esq.  
Warren A. Usatine, Esq.  
Felice R. Yudkin, Esq.  
David M. Bass, Esq.  
W. John Park, Esq.  
*Co-counsel to Debtors*

Office of the United States Trustee  
Attn: Fran B. Steele  
Alexandria Nikolinos

Pachulski, Stang, Ziehl & Jones LLP  
780 3<sup>rd</sup> Avenue, #34  
New York, NY 10017  
Attn: Robert J. Feinstein  
Bradford J. Sandler  
Paul J. Labov  
Colin R. Robinson  
*Counsel to the Committee*

Proskauer Rose LLP  
Eleven Time Square  
New York, NY 10036  
Attn: David M. Hillman  
Charles A. Dale  
*Counsel to the DIP Agent*